

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:09-CT-3142-FL

LASCELLES SOMIE and
ORAL MALCOLM,

Plaintiff,

v.

THE GEO GROUP, INC. and
THE UNITED STATES OF AMERICA
through its department, the FEDERAL
BUREAU OF PRISONS,

Defendants.

INITIAL ORDER
REGARDING PLANNING AND
SCHEDULING

Pursuant to Federal Rule of Civil Procedure 16(b), the court must enter a scheduling order after consulting with the parties. The parties are not required to conference with one another and produce a joint report. See Fed. R. Civ. P. 26(a)(1)(B), 26(f)(1). Unless a party objects, the court will set the following parameters for discovery in the above-captioned case:

1. Any motion for leave to join additional parties or to otherwise amend the pleadings shall be filed by May 16, 2011.
2. All discovery shall be commenced or served in time to be completed by July 14, 2011.
3. All motions shall be filed in compliance with Local Civil Rule 7.1.¹

¹Local Civil Rule 7.1, provides in pertinent part the following: (1) “[a]ll motions shall be concise and shall state precisely the relief requested”; (2) “all motions made other than in a hearing or trial shall be filed with an accompanying supporting memorandum”; (3) “[a]ny party may file a written response to any motion”; (4) for non-discovery motions, “[r]esponses and accompanying documents shall be filed within twenty-one (21) days after service of the motion in question” unless the court directs otherwise; (5) for discovery motions, “responses and accompanying documents relating to discovery motions shall be filed within fourteen (14) days after service of the motion in question unless otherwise ordered by the court”; and (6) “[r]eplies to responses are discouraged. However . . . a party desiring to reply to matters initially raised in a response . . . shall file the reply within fourteen (14) days after service of the response, unless otherwise ordered by the court.”

4. All motions, including dispositive ones, shall be filed by August 15, 2011.

If either party objects to the above proposed discovery plan, it should file its objections with the court and include its alternative proposal(s) in its objection. **Parties have twenty-one (21) days from entry of this order to file any objection.** If the objection period expires and no party files an objection, the court will issue an order setting the schedule as noted above.

If either party believes issuance of a further scheduling order should be stayed pending resolution of other matters already before the court, the party should file the appropriate motion and supporting memorandum requesting the relief sought.

SO ORDERED, this the 15th day of February, 2011.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LOUISE W. FLANAGAN
Chief United States District Judge